

**City of Santa Clara**

Building Division  
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**2018 REQUEST FOR FINDING OF UNREASONABLE HARDSHIP****PROJECT with Adjusted Construction Costs that EXCEED the current 2018 valuation threshold of \$161,298**

Project Name:

Permit Number:

Project Address:

**APPLICANT**

Name:

Is Applicant the Property Owner?: YES ☐ NO ☐

If No, Applicant must be a Duly Authorized Agent of the Property Owner to complete this form.

Phone Number:

Email:

Address:

*I certify, under penalty of perjury, that I am the property Owner/Representative Duly Authorized in the legal capacity of agent making application for Finding of Unreasonable Hardship.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**DESIGN PROFESSIONAL OF RECORD**

Name of Design Professional of Record:

Professional License #:

Discipline:

Firm Name:

Phone Number:

Email:

*I certify, under penalty of perjury, that I am the Design Professional of Record making application for Finding of Unreasonable Hardship.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF SANTA CLARA USE ONLY****FINDING OF UNREASONABLE HARDSHIP REQUEST GRANTED:**

- ☐ Elements listed in this form for modifications to meet compliance shall be included as part of this project and indicated on contract documents and approved plans.

**FINDING OF UNREASONABLE HARDSHIP REQUEST DENIED:**

- ☐ Equivalent facilitation is not provided.
- ☐ Compliance to the greatest extent possible is not provided.
- ☐ Proposed cost for minimum compliance is less than 20% of the adjusted construction cost.
- ☐ Other

**REVIEWED BY:** Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## REQUEST FOR FINDING OF UNREASONABLE HARDSHIP

ADJUSTED CONSTRUCTION COSTS				
Construction cost for proposed project (not including costs of improvements to the <i>path of travel</i> to the area of alteration):			\$	(A)
Cost of alterations to areas on this <i>path of travel</i> undertaken during the preceding three-year period which did not provide an accessible <i>path of travel</i> to the area of alteration (as applicable):			\$	(B)
Adjusted construction cost (C) = (A) + (B)			\$	(C)
PATH OF TRAVEL CONSTRUCTION COSTS:				
Elements serving the area of alteration based on priority	Is element in compliance with current Chapter 11B? (Y/N)	If not, will element be upgraded to current Chapter 11B? (Y/N)	Estimated cost of full compliance with current Chapter 11B	Proposed cost of compliance with current Chapter 11B to the greatest extent possible
1. An accessible entrance			\$	\$
2. An accessible route (interior and exterior) to the altered area			\$	\$
3. At least one accessible restroom for each gender or a single accessible unisex, single user or family restroom			\$	\$
4. Accessible public telephones			\$	\$
5. Accessible drinking fountains			\$	\$
6. When possible, additional accessible elements such as:				
a. Parking			\$	\$
b. Storage			\$	\$
c. Signs			\$	\$
d. Alarms			\$	\$
e. Other			\$	\$
Total cost of providing full compliance of <i>path of travel</i> elements:			\$	(D)
Total cost of providing compliance of <i>path of travel</i> elements to greatest extent possible :				\$ (E)
COST OF PATH OF TRAVEL UPGRADES AS PERCENTAGE OF ADJUSTED CONSTRUCTION COST:				
Full compliance of path of travel as % of adjusted construction cost: (F)% = (D) / (C)			%	(F)
Compliance of path of travel to greatest extent possible as % of adjusted construction cost: (G)% = (E) / (C)			%	(G)

## REQUEST FOR FINDING OF UNREASONABLE HARDSHIP

When public buildings, private buildings of public accommodation, commercial buildings or public housing facilities undergo **alterations, structural repairs, or additions**, an accessible path of travel must be provided, or the elements of an existing accessible path of travel that serve the area(s) of alteration or addition must be upgraded, in accordance with the 2016 California Building Code (CBC) Section 11B-202.4.

CBC Section 11B-202.4, **exception 8**, allows the cost of compliance with Section 11B-202.4 to be limited to 20% of the adjusted construction cost of the alterations, structural repairs or additions when the adjusted construction cost does not exceed the **current valuation threshold**. If the adjusted construction cost of alterations, structural repairs, or additions exceeds the valuation threshold, full compliance to 11B-202.4 shall be required unless the costs of the path of travel upgrades are found to be disproportionate to the adjusted construction cost, thus creating an unreasonable hardship. If an unreasonable hardship is determined, compliance to 11B-202.4 shall be by equivalent facilitation or compliance to the greatest extent possible but in no case less than 20% of the adjusted construction cost.

If alterations, structural repairs or additions to an existing building have been undertaken without providing an accessible path of travel upgrades to those altered areas, the total costs of those alterations on that path of travel during the preceding three year period will be considered in determining whether the cost of making the path of travel accessible is disproportionate.

In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:

1. **An accessible entrance;**
2. **An accessible route to the area of alteration, structural repair, or addition** (see definition of accessible route Section 202 & 11B-206.2.1 for more information on accessible routes and site arrival points);
3. **At least one accessible restroom for each sex or one accessible unisex, single user or family restroom** serving the area of alteration, structural repair or addition;
4. **Accessible telephones, if provided**, serving the area of alteration, structural repair, or addition;
5. **Accessible drinking fountains** serving the area of alteration, structural repair, or addition; and
6. **When possible, additional accessible elements such as parking, storage, signs and alarms.**

**Please answer the following questions on the subsequent page and complete the attached worksheet and include site and floor plans of the existing and proposed accessibility improvements along the accessible route to the area(s) of alteration, repair or addition. These documents shall be submitted to the Building Division prior to completing your building plan review process.**

## REQUEST FOR FINDING OF UNREASONABLE HARDSHIP

**DESCRIBE THE NATURE OF THE USE OF THE FACILITY UNDER RENOVATION AND ITS AVAILABILITY TO PERSONS WITH DISABILITIES:** (Attach additional pages if necessary.)

**DESCRIBE THE NATURE OF ACCESSIBILITY THAT WOULD BE GAINED AND ACCESSIBILITY THAT WOULD BE LOST BY PROPOSED COMPLIANCE TO THE GREATEST EXTENT POSSIBLE:** (Attach additional pages if necessary.)

**DESCRIBE THE IMPACT ON THE FINANCIAL FEASIBILITY OF THE PROJECT WHEN THE COST OF PROVIDING FULL COMPLIANCE WITH CHAPTER 11B STANDARDS EXCEEDS 20%:** (Attach additional pages if necessary.)

**DESCRIBE THE EQUIVALENT FACILITATION PROVIDED (IF APPLICABLE):** (Attach additional pages if necessary.)

## REQUEST FOR FINDING OF UNREASONABLE HARDSHIP

**EXAMPLE FORM****ADJUSTED CONSTRUCTION COSTS**

Construction cost for proposed project (not including costs of improvements to the <i>path of travel</i> to the area of alteration):	\$ 259,625	(A)
Cost of alterations to areas on this <i>path of travel</i> undertaken during the preceding three-year period which did not provide an accessible <i>path of travel</i> to the area of alteration (as applicable):	\$62,750	(B)
Adjusted construction cost (C) = (A) + (B)	\$322,375	(C)

**PATH OF TRAVEL CONSTRUCTION COSTS:**

Elements serving the area of alteration based on priority	Is element in compliance with current Chapter 11B? (Y/N)	If not, will element be upgraded to current Chapter 11B? (Y/N)	Estimated cost of full compliance with current Chapter 11B	Proposed cost of compliance with current Chapter 11B to the greatest extent possible
1. An accessible entrance	Yes	N/A	N/A	N/A
2. An accessible route (interior and exterior) to the altered area	No	Yes	\$23,560	\$9,320
3. At least one accessible restroom for each gender or a single accessible unisex, single user or family restroom	No	Yes	\$43,210	\$17,440
4. Accessible public telephones	N/A	N/A	N/A	N/A
5. Accessible drinking fountains	No	Yes	\$4,233	\$4,233
6. When possible, additional accessible elements such as:				
a. Parking	No	Yes	\$53,800	\$37,370
b. Storage	N/A	N/A	N/A	N/A
c. Signs	No	Yes	\$4,890	\$1,921
d. Alarms	N/A	N/A	N/A	N/A
e. Other	N/A	N/A	N/A	N/A
Total cost of providing full compliance of <i>path of travel</i> elements:			\$129,693	(D)
Total cost of providing compliance of <i>path of travel</i> elements to greatest extent possible :				\$70,284 (E)
<b>COST OF PATH OF TRAVEL UPGRADES AS PERCENTAGE OF ADJUSTED CONSTRUCTION COST:</b>				
<b>Full compliance</b> of path of travel as % of adjusted construction cost: (F)% = (D) / (C)			40.2%	(F)
<b>Compliance of path of travel to greatest extent possible</b> as % of adjusted construction cost: (G)% = (E) / (C)			21.8%	(G)